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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,779	04/28/2000	Danne L. Buchanan	7905-15	5156

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EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 03/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,779

Applicant(s)

Buchanan et al.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 20, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-133 is/are pending in the application.
- 4a) Of the above, claim(s) 1-46, 61-74, 89-102, 117, and 118 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-60, 75-88, 103-116, and 119-133 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on December 20, 2002, which paper has been placed of record in the file.
2. Claims 47-60, 75-88, 103-116 and 119-133 are elected for consideration.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 47-60, 75-88, 103-116 and 119-133 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 47-60, 75-88, 103-116 and 119-133 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery, U.S. Patent No. 6,189,785 in view of Cahill et al (hereinafter Cahill), U.S. Patent No. 5,940,844.

Regarding to claim 47, Lowery discloses a method for processing at a central site an original check deposited at a remote site, comprising the steps of:

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receiving electronic deposit data, electronic check data and original check image data for a plurality of checks to be deposited (column 6, lines 28-53);

identifying errors in the electronic check data (column 7, lines 15-23);

if no errors are identified, sending endorsement and/or voiding authorization to the remote site (column 12, lines 1-11);

receiving endorsement data (column 7, lines 19-23);

sorting the received data (column 7, lines 35-55); and

transmitting associate electronic check data and the original check image data and/or the endorsed and/or voided check image data directly or indirectly to a maker bank or a print site associated therewith (column 9, lines 12-23).

Lowery does not disclose the use of voided check image data for processing checks. However, Cahill discloses the use of voided check image data (column 2, line 52-column 3, line 15 and column 6, lines 40-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Lowery's to include the feature above for the purpose of cost saving and time consuming, because it eliminates the use of paper checks.

Regarding to claim 48, Lowery discloses sending the electronic deposit data, the electronic check data and the original check image data to a bank of first deposit (column 8, lines 35-45). Also, see claim 47 for the use of voided check image data.

Regarding to claim 49, Lowery discloses the receiving step comprises: receiving electronic deposit data, electronic check data and original check image data for a plurality of

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different deposit transactions, the checks for each one of the plurality of different deposit transactions to be deposited at a different bank of first deposit; and sending each one of a plurality of the different deposit transactions to a respective different bank of first deposit (column 7, lines 35-38 and column 8, lines 35-45). Also, see claim 47 for the use of voided check image data.

Regarding to claim 50, Lowery discloses reading original check image data to create image information data; and comparing the image information data to the electronic check data (column 6, lines 28-43).

Regarding to claim 51, Lowery discloses storing at least one of the original check image data and the endorsement/or voided check image data on a server accessible from the Internet. Also, see claim 47 for the use of voided check image data (column 10, lines 30-36).

Regarding to claims 52, 53, 57, Lowery does not disclose determining if a bank of first deposit is a maker bank for the original check; determining if the maker bank requires a hard copy of the original check; and if it does, sending the original check image data to a print site for printing and sending directly or indirectly to the maker bank; and if it does not, sending the original check image data directly or indirectly to the maker bank; and if it is the maker bank. However, it is well-known in the art of processing checks to determining if a bank of first deposit is a maker bank for the original check; determining if the maker bank requires a hard copy of the original check. Moreover, Lowery teaches if it the maker bank does not requires, sending the original check image data directly or indirectly to the maker bank (column 9, lines 12-23). Cahill

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teaches if the maker bank requires a hard copy of the original check sending the original check image data to a print site for printing and sending directly or indirectly to the maker bank (column 45, line 10). Therefore, it would have been obvious to include that feature with Lowery for the purpose of time consuming, because it eliminates the use of paper checks.

Regarding to claim 54, Lowery discloses sending a notice to the remote site if the original check image data is inaccurate or unreadable; and receiving corrected original check image data (column 9, lines 12-23). Also, see claim 47 for the use of voided check image data.

Regarding to claim 55, Lowery discloses after receiving the data, sending an electronic notification to the remote site that a deposit is complete (column 11, lines 27-39). Also, see claim 47 for the use of voided check image data.

Regarding to claim 56, Lowery discloses formatting the electronic check data and the original check image data for processing in an accounting system of the bank of first deposit (column 9, lines 12-15).

Regarding to claim 58, Lowery discloses receiving return check image data for a return check coupled with a reference key for an original deposit transaction (column 11, lines 40-50).

Regarding to claim 59, Lowery discloses sending the return check image data with the reference key directly or indirectly to the maker bank for re-presentment (column 9, lines 23-30).

Regarding to claim 60, Lowery discloses determining if a re-presentment of the returned check requires a duplicate hard copy of the return check or if the original check data image is acceptable for the re-presentment; and if the original check image is acceptable, obtaining a

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reference key associated with an original deposit transaction; and if the original check image is acceptable, obtaining a reference key associated with an original deposit transaction; and sending directly or indirectly the original check image data and the reference key to the maker bank (column 9, lines 23-30; column 11, lines 40-50).

Regarding to claim 119, Lowery discloses the method further comprise a system with a plurality of different remote sites, the following steps being performed at each of the plurality of remote sites: obtaining electronic deposit data for the one or more original checks; converting data for each of the one or more original checks into electronic check data; creating an image of the one or more original checks to obtain original check image data; receiving endorsement and/or voiding authorization from an external site after receipt of the one or more checks; endorsing and/or voiding the original one or more checks to obtain endorsed and/or voided checks; electronically associating the electronic deposit data, the electronic check data and the original check image data; and transmitting the electronically associated electronic check data and the original check image data to the central site (column 5, line 57-column 6, line 53 and column 7, lines 10-60). Also, see claim 47 for the use of voided check image data.

Regarding to claim 120, Lowery discloses the transmitting to the central site step comprises transmitting the original check image data (column 6, lines 28-32). Also, see claim 47 for the use of voided check image data.

Regarding to claim 121, Lowery does not disclose determining if endorsement information one of the remote sites for printing on the check is up-to-date; and if the endorsement

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information at the remote site is not up-to-date, then downloading updated endorsement information from the central site. However, checking and obtaining the up-to-date endorsement information is well-known in the art of processing checks. Therefore, it would have been obvious to include that feature with Lowery's for the purpose of ensuring of endorsement information is an up-to-date endorsement information.

Regarding to claim 122, Lowery discloses comparing an amount of a deposit to an amount of one or more checks against a deposit maximum, and providing a rejection notice if the deposit exceeds the deposit maximum (column 12, lines 12-18).

Regarding to claim 123, Lowery discloses receiving return check image data for a return check couple with a reference key for an original deposit transaction and a return reason (column 11, lines 40-50 and column 10, lines 5-17).

Claims 75-88, 124-128 are written in computer program product, claims 103-116, 129-133 are written in apparatus, that parallel the limitations found in claims 47-60, 119-123 discussed above, therefore are rejected by the same rationale.

Conclusion

6. Claims **47-60, 75-88, 103-116 and 119-133** are rejected.
7. The prior arts made of record are considered pertinent to applicant's disclosure (see form PTO-892).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh, can be reached on (703)308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1113.

9. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 3600

Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for formal communications intended for entry)

or:

(703) 308-3961 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

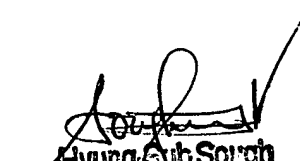
Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

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Nga B. Nguyen
March 10, 2003


Hyung Sub Soerg
Primary Examiner